

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

**CR-15-85-GF-BMM**

Plaintiff,

vs.

DAVID LEE ARMITAGE,

**ORDER**

Defendant.

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on January 8, 2021. (Doc. 64.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on January 5, 2021. (Doc.63.) The United States accused Armitage of violating his conditions of

supervised release 1) by failing to report for substance abuse testing; 2) by failing to report for substance abuse treatment; 3) by failing to notify his probation officer of a change in his living arraignments. (Doc. 55.)

At the revocation hearing, Armitage admitted that he had violated the conditions of his supervised release by 1) by failing to report for substance abuse testing; 2) by failing to report for substance abuse treatment. Armitage denied alleged violation 3. The government failed to satisfy its burden of proof with respect to alleged violation 3. (Doc. 63.) Judge Johnston found that the violation Armitage admitted proved to be serious and warranted revocation, and recommended that Armitage receive a custodial sentence of time served, with 10 months of supervised release to follow. Armitage was advised of the 14 day objection period and his right to allocute before the undersigned. He waived those objections. (Doc. 63.)

The violation proves serious and warrants revocation of Armitage's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 64) are **ADOPTED IN FULL**. **IT IS FURTHER ORDERED** that Defendant David Lee Armitage be sentenced to a period of custody of time served with 10 months supervised release to follow.

DATED this 11th day of January, 2021.



---

Brian Morris, Chief District Judge  
United States District Court